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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,109	06/20/2003	Cynthia Kae Florkey	LUC-420/Florkey 7-7-15-7-	7782
32205	7590	06/30/2006	EXAMINER GESESSE, TILAHUN	
CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			ART UNIT 2618	PAPER NUMBER

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/600,109	<b>Applicant(s)</b> FLORKEY ET AL.	
	<b>Examiner</b> Tilahun B. Gesesse	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on May 1, 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bansal (US 6,788,949 B1).

Claims 1-2, 4, Bansal teaches an apparatus, (Mobile information device "MIDs 4200-4500 of fig. 4) comprising:

Bansal teaches an application server component (4600 or 4700 chat servers of fig.4) that receives one notifications of least one open communication session from one first communication devices (col. 2, lines 49-64 and fig.1)

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Bansal teaches the one notification is not limited to telephone number email, a text message, an audio message, a video message and an interactive multimedia session (see col. 3, lines 54-60 in which printing the chat message or translate the message from one modality to another).

Bansal teaches the application server component sends at least the one notification of the at least one of open communication session to one second communication device (col. 3 lines 45-51).

Bansal teaches upon a request by a communication device of the one second communication devices to join an open communication session of the at least one open communication session (col. 3, lines 32-44 and col. 2 lines 49-64).

Bansal teaches the application server component initiates a connection of the communication device to the open communication session (col. 3, lines 8-16 and lines 38-44 and fig. 1).

Claim 3. Bansal teaches the user employs the communication device to make a selection of a topic from the one topic, and wherein the topic corresponds to the open communication session (col. 3, lines 17-31);

Claim 5. Bansal teaches the information comprises a limit to a number of the one second communication devices able to participate in the open communication session (see fig.4 and col. 4 lines 3-15).

Bansal teaches once the number of the one second communication devices in the open communication session reaches the limit, the application

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server component reject the subsequent request of the one second communication devices to join the open communication session (see col. 3 lines 8-51).

Claim 6, Bansal teaches employ the session identification to communication device to the open communication session (col. 2 lines 49-64).

Claim 7, Bansal teaches upon a request by the third communication device to join the open communication session, the application server component initiates a connection of the third communication device to the open communication session (see col. 2 line 49-col. 3 line 60).

Claim 8. Bansal teaches the open communication session becomes the private communication session (see col. 1 lines 34-38).

Claim 9. Bansal teaches the application server component receives one requests to join the private communication session from the at least one of the one second communication devices (see col. 2 line 49-col. 3 line 60 and fig. 4).

Claims 10 and 13, Bansal teaches the application server component sends one rejection of the one request to the at least one of the one second communication devices ( col. 4 lines 26-37).

Claims 11- 12,14-18 Bansal teaches one voice chat rooms, and wherein the one notifications of the at least one open communication session comprise one or more notifications of one topic of me one or more communication session (col.1 lines 34-49 and fig. 4)

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Claim 19-20, Bansal teaches an article, (Mobile information device "MIDs 4200-4500 of fig. 4) comprising:

Bansal teaches an application server component (4600 or 4700 chat servers of fig.4) that receives one notifications of least one open communication session from one first communication devices (col. 2, lines 49-64 and fig.1).

Bansal teaches one computer readable signal bearing media (see fig. 4).

Bansal teaches the one notifications are not limited to telephone number email. a text message. an audio message, a video message and an interactive multimedia session (see col. 3, lines 54-60 in which printing the chat message or translate the message from one modality to another).

Bansal teaches the application server component sends at least the one notification of the at least one of open communication session to one second communication device (col. 3 lines 45-51).

Bansal teaches upon a request by a communication device of the one second communication devices to join an open communication session of the at least one open communication session (col. 3, lines 32-44 and col. 2 lines 49-64).

Bansal teaches the application server component initiates a connection of the communication device to the open communication session (col. 3, lines 8-16 and lines 38-44 and fig. 1).

***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/20/06  
  
TILAHUN GESESSE  
PRIMARY EXAMINER